



Department of Justice

United States Attorney Richard S. Hartunian
Northern District of New York

FOR IMMEDIATE RELEASE

CONTACTS: Daniel Gardner (518) 314-7800

September 10, 2010

[Plattsburgh, New York]—United States Attorney Richard S. Hartunian, Franklin County District Attorney Derek Champagne, and Assistant Special Agent in Charge James R. Burns announce that TIMOTHY J. FLEURY was found guilty of conspiracy to possess with intent to distribute more than 100 kilograms of marijuana, possession with intent to distribute marijuana, and attempted possession with intent to distribute marijuana.

TIMOTHY J. FLEURY was originally indicted on April 29, 2009 and charged in a three-count indictment. On August 25, 2010, the grand jury returned a 2nd Superseding Indictment charging FLEURY with three Counts: Conspiracy to Possess with Intent to Distribute Marijuana in violation of Title 21, United States Code, Section 846 (Count 1), Possession with Intent to Distribute Marijuana in violation of Title 21, United States Code, Section 841(a) (Count 2), and Attempted Possession with Intent to Distribute Marijuana in violation of Title 21, United States Code, Section 846 (Count 3). On September 10, 2010, FLEURY was found guilty of all three counts in the indictment after a four-day jury trial in Albany, New York. The trial was presided over by United States District Court Judge Gary L. Sharpe.

Count 1 of the Superseding Indictment stems from FLEURY's participation in a drug trafficking conspiracy led by William Dunn from June 2004 to October 2005. The Dunn organization was responsible for smuggling thousands of pounds of marijuana from Canada into the Northern District of New York and distributed to customers of the organization throughout the eastern United States. FLEURY acted as one of the organization's principal smugglers, personally

transporting hundreds of pounds of marijuana across the international boundary, on foot, all terrain vehicle (ATV), and snow mobile.

Count 2 of the Superseding Indictment stems from an incident on May 5, 2008, in which FLEURY led members of the United States Border Patrol on a high-speed pursuit along the international border and into ATV trails near Constable, New York. During the pursuit FLEURY was wounded but has since recovered. The pursuit resulted in the seizure of seven large hockey-style bags filled with approximately 300 pounds of high-grade Canadian marijuana.

Count 3 of the Superseding Indictment stems from a Drug Enforcement Administration (DEA) undercover operation in which FLEURY attempted to broker a drug transaction on behalf of co-defendant Jerry Friedlander. On September 7, 2007, FLEURY and Friedlander met with undercover DEA agents at a restaurant in Plattsburgh, New York and attempted to purchase fifty pounds of marijuana from the undercover agents. Law enforcement officers subsequently seized \$123,000 from Friedlander's vehicle.

FLEURY, 28, is a resident of Westville, New York. Following the jury's guilty verdicts, Judge Sharpe ordered the Defendant remanded to the custody of the United States Marshals. FLEURY will be sentenced on January 5, 2011 before Judge Sharpe in Albany, New York. On Count 1 of the Superseding Indictment, FLEURY faces a maximum penalty of up to forty (40) years imprisonment, a \$2,000,000 fine, or both, and a period of at least four years supervised release up to life to follow any term of imprisonment. On Count 2 of the Superseding Indictment, FLEURY faces a maximum penalty of up to twenty (20) years imprisonment, a \$1,000,000 fine, or both, and a period of at least three years supervised release up to life to follow any term of imprisonment. On Count 3 of the Superseding Indictment, FLEURY faces a maximum penalty of up to five (5) years imprisonment, a \$250,000 fine, or both, and a period of at least two years supervised release up to life to follow any term of imprisonment.

On August 25, 2010, co-defendant Jerry Friedlander pled guilty to Count 3 of the Superseding Indictment. On Count 3 of the Superseding Indictment, Friedlander faces a maximum penalty of up to five (5) years imprisonment, a \$250,000 fine, or both, and a period of at least two years supervised release up to life to follow any term of imprisonment.

The indictment and prosecution of FLEURY was the result of a joint investigation by the DEA, the New York State Police, the Plattsburgh Police Department, the United States Border Patrol, the Franklin County District Attorney's Office, the Franklin County Narcotics Task Force, the Clinton County Sheriff's Department, and the New York State Department of Environmental Conservation. The case was prosecuted by Assistant U.S. Attorney Daniel C. Gardner.

Inquiries may be directed to Assistant U.S. Attorney Daniel C. Gardner at (518) 314-7800.